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The Cook County Jail Survey

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A Summary by
FRANK D. LOOMIS

THE CHICAGO COMMUNITY TRUST

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THE COOK COUNTY JAIL SURVEY

at
Made on request of
THE BOARD OF COUNTY COMMISSIONERS

By
THE CHICAGO COMMUNITY TRUST

Summarized by
FRANK D. LOOMIS
Secretary of the Community Trust



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JAN 29 1923

FOREWORD

The complete report of the Cook County Jail Survey is a lengthy document, by no means uninteresting, even for the average reader, but requiring more time than the person busy with other matters may feel he or she can give it. There has been demand for a briefer statement of the results of the survey, a demand which this Summary will attempt to satisfy.

There is no pretense that the material here presented is original. The writer has culled freely from the entire report, taking sentences or parts of sentences, as best seemed to suit the purpose in view, without attempt to indicate quotations unless this also seemed to suit the purpose. The material of the report has been often rearranged and of course very much condensed in order to present in a brief document a fair review of facts and conclusions which in the original statements required many pages. For the order in which the matter is here presented and for the fairness of the review the writer must accept full responsibility.

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SUMMARY OF THE COOK COUNTY JAIL SURVEY

PURPOSE AND METHOD OF THE SURVEY

For many years there has been agitation for a new jail in Cook County. The present "new jail," built in 1895, was scarcely completed before it was condemned. By 1910, both the "old" and the "new" jails, operated as one unit, had become as crowded as the old one had been alone before the new one was built to relieve the overcrowding, and the International Prison Congress, meeting here in that year, with representatives of wide reputation from many countries, condemned the whole structure as one of the worst jails to be found anywhere.

Since 1914, four different proposals for bond issues for a new jail have been submitted to the voters. Each proposal has been defeated—for the reason principally, it is believed, that in connection with these various proposals no definite plans were presented. There was a wide-spread feeling that a new deal was needed—that it would be useless waste of money and of human material to go on indefinitely under the old policy of building ever larger jails, to be promptly filled up as soon as the new space was available. Upon the failure of the fourth bond-issue-proposal in the Spring of 1921, the demand for a careful survey of the situation became insistent, and when the "Site Committee," appointed to recommend a suitable site for a new jail, brought to the County Commissioners, in January, 1922, a recommendation that the Chicago Community Trust be first asked to make a survey, the County Commissioners promptly and unanimously accepted it.

The Community Trust is a charitable foundation which receives gifts in trust and uses the income for philanthropic purposes. It is a non-partisan, non-political body, operating in the broadest sense for the good of the community and well fitted to conduct an impartial study of any community enterprise. The formal request from the County Commissioners was promptly and carefully considered and after some inquiry as to the cost and the possibilities of conducting an adequate study, the responsibility was accepted.

The Community Trust was fortunate in being able to secure as director of the survey, Mr. George W. Kirchwey,

L.L.D., for many years Dean of the Columbia University Law School, warden, for a time, of Sing Sing Prison, New York, and internationally known as a practical criminologist. He had as his immediate assistants Mr. Winthrop D. Lane, of New York, an experienced investigator of jails, magazine writer and author of a number of books on the subject; Mrs. Kenneth F. Rich, director of the Community Trust's "Bureau of Surveys" and a specialist in protective work for girls; and a number of local experts, as indicated in the accompanying "Staff of the Survey," who were eminently qualified to investigate the various subjects assigned them and who generously donated their services.

Work was begun early in February and was completed early in July, the formal report being presented to the County Commissioners on July 10th. The complete report consisted of more than three hundred type-written pages and has been printed by the County Board, both in its volume of regular proceedings and in separate pamphlet form for local distribution.

The cost of the survey to the Community Trust was approximately eight thousand dollars—a very low amount, as the cost of such surveys generally go, made possible through the generous help received from many sources.

CONSIDER THE JAIL

"This survey, undertaken by the Chicago Community Trust at the request of the Board of Commissioners of Cook County, was determined in its plan and scope by the terms of the resolution authorizing it.

This resolution, adopted by the Board on January 16, 1922, invited "a survey of the entire existing situation" involved in the proposal for the erection of a new county jail and specified, as factors in that situation, "the question of just what classes of prisoners shall be there incarcerated, along with the problem of whether or not provision that is not now afforded can be made for certain classes of prisoners."

It was to be a new kind of inquiry, one that should go to the root of the jail problem."

—Introduction to Survey.

STAFF OF THE SURVEY

George W. Kirchwey, L.L.D., Director

Physical and Living Conditions in the Jail
MR. WINTHROP D. LANE.

Health and Medical Conditions
R. B. PREBLE, M. D., and JOSEPH L. MILLER, M. D.

Diet and Food Conditions
COMMITTEE OF CHICAGO DIETETIC ASSOCIATION

Detention of the Woman Offender
MRS. KENNETH F. RICH

Disposal of Surplus Population
MR. JOHN L. WHITMAN

Statistics of Crime in Chicago
MISS EDITH ABBOTT

Character Study of Jail Population
MR. A. L. BEELEY

Study of Jail Records
MRS. RICH and MR. BEELEY

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	Supt. John L. Whitman	
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	Mrs. Lynn A. Williams	

THE PROBLEM OF THE COUNTY JAIL

"The Cook County Jail is not a place of punishment. It is a place of detention for persons, innocent and guilty, who are under suspicion of having committed criminal offenses and who are unable to secure bail. Whatever the practice may be, that, at least, is the theory. This is the significant fact which furnishes the clue to any study of the jail problem."

In actual practice, Dr. Kirchwey finds in the introduction to the survey, the Cook County Jail is used principally only as a place of detention. But it "has just enough convicted offenders to keep alive the evil tradition that a jail is a place of punishment. Being a place of punishment for a few, it becomes and remains a place of punishment for all, irrespective of age, or guilt, or breeding, or character." The state of public opinion with respect to the jail population is one of the greatest jail problems.

To this problem of the popular misconception of the purpose of a jail is added a problem of overcrowding in the Cook County Jail so serious as to intensify all the evils of the common jail and add new and more menacing ones. The "old jail," erected in 1874, had individual cells for 136 persons. The "new jail" added 180 cells. "It is fashionable," Dr. Kirchwey says, "to measure the normal capacity of the jail by multiplying the number of cells by two; but this is absurd. No sane person builds cells for two persons. There are reasons for this which need not be gone into here but which every jail builder knows.

"The jail population in the Cook County Jail in 1921, reached the maximum of 1013 inmates on a single day. There were ten days when the population was 1,000 and upwards; 72 days when the population went above 950; 112 days when it exceeded 900; 195 days when it stood above 850; 293 days when it numbered upwards of 750; and 359 days when it went above 700." For a large part of the year many of the cells had to be occupied by five men. Three and four in a cell is common.

The statistics of daily population do not begin to measure the extent of the evil which results from these conditions of overcrowding. In the year 1921, there were 10,642 men and women, boys and girls who were subjected to these degrading conditions for varying periods of weeks or months.

PHYSICAL CHARACTERISTICS OF THE JAIL, HEALTH AND LIVING CONDITIONS.

"The Cook County Jail," Mr. Lane says, "is an overcrowded, insanitary, disease-breeding place." Into its cells ten feet long, five feet wide and seven and a half feet high, providing air-space a third less than is considered sufficient for one human being, entirely closed on three sides and top and bottom, with one end opening onto a dimly-lighted, poorly ventilated corridor—into these are crowded two, three, four and sometimes five persons who must spend twenty hours a day there for a period of probably four months. Exercise is allowed four hours a day in "bull-pens," also dimly lighted, poorly ventilated, and overcrowded. During the exercise periods "the inmates as they stand and circulate about the bull-pen spit on the floor until it becomes too filthy to bear description. The congestion is so great that a man can hardly move without touching his neighbor. Exercise worthy of the name is utterly impossible."

The cell is the man's living room, dining room and bedroom. The beds are slung from the side of the wall, like bunks, protruding out into the cell during the daytime and taking up half of the space. Here and there about the cell, string has been strung up as a place for drying towels, shirts and other bits of clothing which the men have washed in the cell. Men lie on the bed, read, talk, write letters crouched on the lower bunk, with their shoulders hunched forward to escape the upper bunk, and spend the time as best they can. No useful activity or work is permitted in the cells.

Food for Thought

Food is passed into the men through slits in the bars. The food served is heavy, unappetizing and often indigestible. Breakfast consists solely of a large cup of coffee and bread or a single roll or "duffer." The mid-day meal, which follows a planned weekly rotation: That is, the same food is served every Monday, the same every Tuesday, etc., consists principally of stews or corned-beef and cabbage or hash or fish, white beans, potatoes or carrots. Supper consists either of a kind of soup or of coffee and bread. No sugar, butter or butter substitutes are served. Such food, in the opinion of the committee of the Chicago Dietetic Association, does not furnish a balanced diet. It lacks fat, it lacks sugar, it lacks vitamins. It is much too heavy a diet for persons having so little opportunity for physical exercise, and produces constant digestive troubles.

There is an enormous waste of this jail food, it being estimated that between two and three tons every week are thrown into the garbage, which is given to some concern that carts it away and uses it.

Private Concessions

The "Jail Store," operating under a private concession, does a thriving business, however. This "store" is apparently operated at very small cost, most of the help being furnished by jail inmates free, but prices charged the prisoners are high. It is estimated that many of the prisoners spend from \$3.00 to \$6.00 a week each for extras from the store. Some food is also brought in by friends from the outside.

An outside barber has a concession in the jail. He has three chairs and he and his assistants are busy nearly every morning; the charge for a shave is fifteen cents, for a haircut thirty-five; his expenses are small. What the barber pays for his concession is not known.

Among the sixty-one guards at the jail there are men of various sorts, some who seem well equipped to perform their duties intelligently and some who are not. The method of appointing guards does not seem well calculated to secure good men. They are said to be appointed by the sheriff after nominations have been made to him by ward committeemen. The pay of guards at present is \$149.00 a month.

Health Conditions are Such

Health conditions in the jail are such that the special committee of physicians, consisting of Doctor R. B. Preble and Doctor Joseph L. Miller, after a careful examination, declare "that the county authorities have conspicuously failed to perform their duty." "The foul air resulting from overcrowding of the poorly ventilated cells and bull-pens; the all but complete lack of physical exercise and recreation for weeks and months at a stretch; the absence of occupation for mind and body and the inevitable contagion resulting from such close contact cannot but result in an almost universal deterioration of vitality and an impairment of physical health."

The physical examination of newly received prisoners is conducted in a very perfunctory manner. On one occasion recently, when the method of entrance examination was being observed by a member of the survey staff, forty-two men were examined by a single physician in thirteen minutes, part of this time being consumed by the examiner in filling

out the prisoners' record cards. On the basis of this brief examination, however, the examiner filled out each man's card for scabies, syphilis, gonorrhea, tuberculosis, condition of the heart, condition of the lungs and general physical condition. No doubt many cases of active pulmonary tuberculosis or other infectious diseases are placed in cells with healthy prisoners. There is no adequate provision for fumigating or sterilizing the clothing to destroy vermin or disease-producing germs. The sheets on the cots of the receiving wing of the jail are changed only once a week so that the same sheets may be used five or six times by a succession of incoming prisoners.

"Hospital B"

No provision is made for re-examination of prisoners. Those with minor complaints are given pills or powders by a prisoner assigned to the dispensary. Serious cases of illness are treated by the prison physician in the "hospital," usually "Hospital B"—a room approximately forty by twelve feet, constructed by walling off a part of one of the bullpens. "The ceiling is low. There is no outside light. The room is damp, most uncomfortable and unsanitary." There is no provision for the isolation of contagious diseases nor for the care of suspected mental cases. Prisoners with apparent mental disorders, who show a tendency to be violent, are confined in the ordinary cells of the jail alone. Drug addiction among the inmates is very common.

HOW TEN THOUSAND PRISONERS LIVE AND LEARN IN THE COOK COUNTY JAIL

"They live in idleness at the expense of the taxpayer.

They learn vice, immorality and crime.

They become educated in criminal ways.

They degenerate both physically and morally.

It is most important that we deal rightly with jail prisoners if we would lessen rather than increase the number of offenders."

**—Amos W. Butler,
Secretary Board of State Charities, Indiana.**

There is little attempt at the grouping or classification of prisoners according to their individual needs. "The first offender is confined with the man or woman whose prison

sentences outrun memory in number. The uneducated are housed with the graduates of professional and technical schools. Painters, steam-fitters, photographers and railway conductors are confined with physicians, restaurant-keepers, detectives, clerks and telegraph operators. Men with the broken accent of Italy and Turkey occupy cells side by side with native-born, English-speaking Americans. The Confucian even finds himself open to argument with the Baptist and the Christian-Scientist." Colored prisoners are kept together as, to some extent, are younger offenders also, and there is an attempted segregation of drug addicts and venereal cases.

TEMPORARY EXPEDIENTS RECOMMENDED FOR DETENTION OF MEN AND BOYS

In the course of the survey various recommendations are made for the improvement of conditions in the present Jail. The committee of dietitians, for instance, present in detail a menu which would be vastly more healthful for prisoners than the present unbalanced and heavy diet and would not cost more money. The Doctors offer suggestions for improvement of sanitation and the medical service which would cost more money in the jail, but would probably not cost the community more in the long run, since, if poor people became diseased in the jail, the County will have to care for many of them and their dependents later in the same or other institutions—to say nothing of humanitarian reasons. They urge more careful examination of prisoners upon entrance to the Jail; thorough disinfection of clothing; that clean underclothing be furnished following the initial bath; that clean sheets be provided for each new prisoner; that blankets be cleaned and disinfected at least once a month; and that there should be systematic extermination of the vermin in the cells.

Reasonable Medical Care

The doctors further recommend immediate abandonment of the present wretched hospital walled-off in one of the bull-pens and the provision of more suitable quarters in other parts of the jail building. Regular provision should be made for contagious and mental cases. They advocate also the employment of a full-time physician, with one or more assistants, who will devote their entire time to looking after the inmates of the jail; and the provision of a trained pharmacist to replace the trusty who now dispenses pills and other drugs. The interesting and practical suggestion is further made that the Chicago Institute of Medicine

should be authorized to appoint a committee of their physicians who will make quarterly inspection of the jail and make a written report to the proper authorities. A similar suggestion is that a committee of dietitians should be appointed to make periodic examination of food conditions and make recommendations in regard to the prisoners' diet.

Many of these recommendations will be of value, of course, not only in the present, but in the proposed new jail as well; or would prove helpful to persons responsible for or interested in jails everywhere.

Mr. Lane makes recommendations for improvements in daily routine of jail life, to make possible more physical exercise and recreation; opportunity for work, more provision for education; and the serving of food on temporary tables in the open bull-pens rather than in the cells. Dr. Kirchwey advocates the removal of all persons serving sentence to the workhouse, a plan which it is said could easily be made effective and permanent by the judges of the criminal court, so that the jail should be used only for detention of persons awaiting trial. But probably the most important of all the recommendations looking to improvement in administration of the present system is that which proposes removal of the boys from the jail to a separate institution.

Separate Detention for Boys

The recommendation for separate detention of boys accused of crime is originally made in the report of Mr. John L. Whitman on the Disposal of the Surplus Population of the jail. It is believed to be so important that it is adopted as one of the major and permanent recommendations of the entire survey.

The permanent features of the recommendation will be discussed later. The temporary recommendation arose from the belief that whatever plans for a new jail may be determined upon, it will be some years before the new structure will actually be built ready for use and that the wretched and demoralizing conditions in the present institution ought not to be permitted a moment longer than necessary. Something ought to be done at once to relieve the situation. Since boys under twenty-one years of age constitute nearly one-fifth of the jail population; since boys of such impressionable age are most injuriously affected by the degrading influences of such surroundings; since the boys, of all the groups, would be most likely to improve in a more healthy and helpful environment, it is recommended that these boys be removed as soon as possible from the County Jail and be

housed in the Old John Worthy School Building, located on one corner of the grounds of the city Workhouse at California Boulevard and Twenty-Sixth Street. This building, of brick and stone construction, has for some years been out of use, but is in a good state of preservation, and at comparatively small expense could easily be adapted to the temporary use here proposed. Originally built for use as a reformatory for some four-hundred (400) juvenile delinquents, there is ample space for dormitories for the two-hundred or more boys now kept in the jail, with abundant room for kitchen, mess-hall, hospital, school-room, exercise room and other facilities. The structure has the further advantage of having an exercise yard lying between one side of the building and the workhouse wall.

The selection of boys who could safely be confined under the less severe and restricted conditions of this temporary institution is not proposed to be based on age alone. It would be a privilege to be determined somewhat on general character and good behavior.

DETENTION OF THE WOMAN OFFENDER

Women in Cook County accused of crime spend the period awaiting trial, if they cannot secure bail, in the Women's Quarters of the County Jail or in the various police lock-ups scattered over the City. The detention of women offenders, whether in jail or lock-ups, has been treated in the survey as one problem. The number requiring detention at any one time, even in a city the size of Chicago, is not large, and in several cities the problem is so handled.

The women's section in the jail is somewhat more habitable than the quarters occupied by men and boys, and much smaller. There are thirty-six cells, some of which are occupied by two women. The cells are about the same size as the men's cells, and facilities for good ventilation are likewise lacking. There are two "bull-pens," one of which is used for reading and recreation, the other for a dining room. The hospital is reasonably light and airy, but lacks toilet facilities. In decided contrast with the men's quarters, the cells are clean, the floors are kept scrubbed and everything presents a spotless appearance.

Women in Police Stations

Women's quarters in the various Police Stations are not so distinguished, although there has been some recent improvement and the five stations now used for women are not the worst in the City.

Harrison St. Annex of the South Clark St. Station, 625 S. Clark St.; Hyde Park Station, 5223 Lake Park Avenue; Stock Yards Station, 4726 S. Halstead St.; South Chicago Station, 2938 E. 89th St.; West Chicago Ave. Station, 731 N. Racine Ave.

In all of these lock-ups, the quarters set apart for women are mere adjuncts to the detention equipment for men. Their total capacity is about fifty women. The quarters are presided over by thirty-four (34) matrons, who work on shifts. There are no facilities for preparing meals. The regular fare of sausage, bread and black coffee is brought in from outside. There is no provision for occupation or recreation.

The total capacity of the women's quarters in all of the Police Stations and in the County Jail is about one-hundred (100), allowing fifty as the capacity in the jail. The number actually held at any one time is not so large, however, the population in the jail usually ranging from 25 to 35. Some of these are serving sentences, and the survey in every case advocates that all persons serving sentences should be confined in penal institutions—that the jail should never be used as a place of punishment but only for purposes of detention. If women serving sentences were eliminated from the jail, it is believed that a capacity of thirty in the women's quarters would be sufficient. This, together with the capacity of fifty in the police stations, would give a total capacity of eighty, which is believed to be ample for women's detention-quarters in Chicago and Cook County for many years to come. A protest is urged against the furnishing of larger quarters than necessary. Rather, it is believed that possible improvements in criminal procedure and administration of justice will considerably reduce the amount of space required. "It would manifestly be folly to build and maintain women's detention quarters large enough to make the law's delays convenient."

Young Girls from the Country

Statistics showing the ages of women in jails and lock-ups indicate, as is the case among the men, that many of them are young people. Some are even below the juvenile court age (18 years), and the number under 21, held in the jail ranges from 11% to 19% of the total, while the proportion under 30 years of age ranges from 55% to 65%. Many of these young women, it is stated, are from the country. The significant fact is reported that from sixty to ninety per cent of cases brought in the Morals Court are those of girls coming from small adjacent towns or rural districts.

First and Petty Offenders

The type of offenses charged gives added weight to an argument for careful classification of women held in detention. Even among those who are committed to the County Jail are a large number of girls held for "Violation of Municipal Code"—presumably many of them petty mis-deeds. The most frequent felony charge is larceny; but of all women arrested in Chicago in 1920, 1266 were on felony charges, and 6201 were on charges classed as misdemeanors; 48% of the latter were charged with disorderly conduct. Of course there are always some among those held who are charged with the more serious offenses and a considerable proportion (running as high as 33% of those held in the jail) who admit having been arrested before—two, three or more times. "A woman charged with adultery or the confidence game, for instance, arrested for the fourth time; or alleged guilty of assault with a deadly weapon or of street-walking arrested for the fifth time; or charged with larceny or robbery, arrested six or more times—these women, experienced in transgression, should clearly not be detained in the same quarters with women and girls for whom disorderly conduct, contempt of court or debt may be their first offenses, or with those whose only offense, as entered in jail words, is "safe-keeping."

The diseased condition of many of the women points to the necessity not only of classification and segregation; but also of adequate medical and hospital facilities. These should be provided at the place of detention, except for those so seriously ill as to require bed-side care.

Separate Detention for Women

After its careful study of the situation with regard to the custody of women accused of crime, the survey adopts and approves most heartily a measure which has been urged for several years by women's clubs of Chicago, namely, the establishment of a separate Detention Home for Women, in which should be held all women unable to secure bail and awaiting trial, whether in the Municipal or the County Courts. Such a detention home should have ample provision for segregation of the various classes of inmates, including medical and hospital facilities, and should be under the immediate administration of women alone, with a woman superintendent, having rank equal to that of Police Captain, an assistant superintendent with rank of Police Lieutenant, and a staff of fifteen matrons. Much of the work of the institution should be done by the inmates. The building should

contain a laboratory for psychopathic and psychiatric examination and provision should be made for education, particularly in various vocations, and for recreation.

The survey further recommends that the present Morals' Court, a branch of the Municipal Court, be reorganized into a Woman's Court, a change which could easily be effected, and that this court be located in the Woman's Detention Home. Various recommendations in connection with the administration of the court are proposed, especially the abolition of fines as punishment for sex offenders; and the revision and improvement of the Adult Probation Law. It is believed that two court rooms would prove adequate to handle all the business of the court. These rooms should be small in size, to accommodate only those persons directly concerned in the particular case at issue. The building should also furnish headquarters for women police, for women probation officers and space for State and City Attorneys who appear at court hearings.

With reference to location of the Central Detention Home for Women, the use of the present Juvenile Detention Home on Gilpin Place near Halsted Street is suggested. Plans are presented for adaptation of this building to the use proposed. It is believed that the building can at relatively small expense be made to furnish all the accommodations needed and that it will be adequate for the purpose for many years to come.

CHICAGO WILL

"Indifference of the public to jail conditions is responsible for Chicago's jail being forty years behind the times. But at last the scientific method which has revolutionized our hospitals and asylums is making inroads in our prisons, and Chicago will doubtless join in the procession."

—Amos W. Butler.

STATISTICS OF CRIME AND DETENTION— HOW LARGE A JAIL IS NEEDED IN COOK COUNTY?

"In discussing statistics relating to crime," writes Miss Edith Abbott in her report, "it is important to understand that the vast majority of arrests are arrests of petty offenders. * * The police, the courts and all the criminal machinery that go with the enforcing the sanctions of the law are largely for the punishment of small offenses."

Statistics compiled from annual reports of the Police Department since 1910, indicate in recent years an increase in the number of arrests for the more serious offenses (felonies) with a generally corresponding decrease in arrests for misdemeanors. But other statistics show a marked decrease in the number of convictions in proportion to the population of the city and the question is raised "Are the police making arrests unnecessarily?" Further investigation reveals that only 34 out of every hundred charges disposed of in 1921, resulted in conviction and in 1920, the proportion of convictions was only 32 out of every hundred. These figures relate to the total number of charges or arrests by the police. Figures in regard to the number of charges for felonies alone and the number of convictions show that in 1921, less than one-fourth of those charged with felonies were convicted. "Thus out of every 100 persons who are arrested for serious offenses, many of them held to the Grand Jury and degraded and poisoned by a period of detention in the county jail, 75 are not convicted."

Chicago 25%, London 75% Efficient

Turning, for comparison, to statistics of arrests and convictions in London, England and in Canada, Miss Abbott finds "that in London in 1919, 76 per cent of the persons tried for indictable offenses in the higher criminal courts were convicted and 24 per cent were discharged. In the same year in Chicago 29 per cent of the felony cases disposed of resulted in convictions and 71 per cent were discharged." In Canada in two successive years, 1919 and 1920, "there were for indictable offenses, approximately 80 per cent of convictions and 20 per cent of acquittals, while in Chicago in the same time there were approximately 71 per cent of dismissals or acquittals and only 28 or 29 per cent of convictions."

"These statistics," Miss Abbott concludes, "present a challenge to the thoughtful citizen. Has the administration of criminal justice in Chicago become so inefficient or corrupt or both that out of every hundred felony charges, only

28 or 29 result in convictions whereas in the courts of Canada or in England approximately 75 or 80 out of every hundred persons tried for similar offenses are found guilty. * * A high percentage of discharges or acquittals means one of two things: Either innocent people are being arrested who must be discharged in court or who cannot even be prosecuted because there is insufficient evidence against them; or persons who are guilty are discharged because of inefficient, incompetent or corrupt administration of the machinery of criminal justice. In either case, a crime-producing situation exists. For innocent men are made criminals through associating with criminals in police stations and jails and courts. And in the other case, the uncertainty of punishment, the large chances of escape from conviction tempt men to adopt or continue criminal careers."

The Law's Delays

While Miss Abbott's report deals with the uncertainties of justice—the large number of arrests (125,000 a year) and the relatively small number of convictions—statistics collected under direction of Mrs. Rich reveal its delays. The latter relate only to persons held in the jail, of whom there are more than 10,000 a year. Even among these it is found that at least a third, after having run the gamut of the police lock-ups, the municipal courts, a period probably of two or three weeks in jail awaiting action of the Grand Jury, the indictment by the Grand Jury (for most of them), and period of additional detention ranging from a few weeks to a year or more, will eventually be released. A small proportion of these will have been released on refusal of the Grand Jury to indict; a very considerable proportion, often more than one-half of the entire number released, will be discharged without trial; and of all those finally brought to trial, probably more than 10% (or a third of those released) will be acquitted. In this situation, Dr. Kirchwey questions the efficiency not only of the trial Jury, which often is blamed, but also the Grand Jury and the prosecuting attorney, for carelessness in indictment, in preparation and presentation of the case.

As illustrating the length of time persons are held in the jail, it is reported concerning cases held on December 1, 1920, that of 85 dismissed without being brought to trial, only ten were confined less than a month, only 24 less than two months; forty, or 47%, were in jail over 100 days and 23, or 27%, from 150 to 300 days.

Of 56 brought to trial and acquitted, only two were confined less than a month and only 14 less than two months.

Twenty-two, or 40 per cent, were detained over 100 days and 6, or 10.7 per cent, from 150 days to more than a year.

Of 404 brought to trial and convicted, only 10 were held less than a month and only 80 less than two months. Two-hundred and three, over 50 per cent, were confined over 100 days; 122, or 30 per cent, over 150 days; 79, or 19.5 per cent, over 200 days; 51, or 12.6 per cent, over 300 days; and 15 over 400 days.

Obviously, improvement in the administration of criminal justice in Cook County would greatly reduce the size of jail needed. In Detroit, through re-organization and unification of the criminal courts alone, it was found that, whereas on March 31, 1920, a few days before the new court took effect, there were 173 offenders in jail awaiting trial, of whom 82, or 47% had been in jail over 25 days, a few 150 days; on March 31, 1922, there were 83 prisoners in jail awaiting trial and of this number only 7, or 9%, had been in jail over 25 days.

PUNISHMENT AWAITING TRIAL

"Forced confinement in jail, even under decent living conditions, is a bitter experience. Under the conditions that prevail in the Cook County jail it is cruel, if not unusual punishment. If unnecessarily prolonged, it becomes a form of oppression that no civilized community would long tolerate * * * The chief responsibility for the unjust and oppressive conditions of delay in bringing jail cases to a speedy determination rests with the Criminal Court and the State's Attorney."

—Dr. George W. Kirchwey.

CHARACTER OF THE JAIL POPULATION—WHAT KIND OF A JAIL IS NEEDED IN COOK COUNTY?

It is popularly assumed that all persons committed to the jail are vicious criminals—desperadoes of the Tommy O'Connor type.

No such assumption can be sustained by the facts. The "vicious criminals," unless accused of murder, can usually, under the present system, and promptly secure bail—they have both friends and money. It is only the forsaken—the poor and friendless—who cannot secure bail and who must therefore spend the time awaiting trial in jail.

Of the 10,642 persons confined in the Cook County jail in 1921, 2,214 or 20.8 per cent were boys under 21 years of age. Eighty-two of these were of Juvenile Court age, one being only 13, two 14, eight 15, and the rest (71) 16 years old.

Young Men Started Wrong

By far the largest of the age-groups in the jail is made up of older boys and young men ranging in age from 21 to 30 years. It is estimated that more than half of these are under 25. "Numbering well on toward half of the entire jail population," says Dr. Kirchwey, "they yet belong to the class which in most of our states is regarded as reformable." Many of them are innocent and many of them are first offenders. "It is upon such as these, as well as upon the boys under 21, that the blight of jail life falls most disastrously. If the jail is not a prison for criminals, it is certainly the gateway to the criminal life. This is the place, in this motley gathering of the innocent and the depraved, where virtue is tarnished and vicious tendencies confirmed, and it is here that opportunity presents itself, for the last time perhaps, to turn back this tide of human derelicts into the ways of decent and honorable living."

As to numbers of offenses committed, the statements of inmates as entered in the jail records indicated that of all those confined in the jail in 1921, 59 per cent were first offenders (that is, they had never been arrested before); and 25.3 per cent were second offenders.

The physical condition of inmates of the jail and the superficial character of medical examination has been discussed. There is total lack of any information as to mental condition; notwithstanding the fact that it is known from studies

elsewhere that a large proportion of any criminal population is made up of mentally defective and diseased and that there is in many cases an intimate correlation between mental defect or psychopathic instability and criminality.

They Have a Stake in the Community

Mr. Beeley's "Personal Character Study" of 381 unselected cases revealed the interesting fact that 86 per cent had been resident in Chicago or Cook County for at least a year. Out of 101 cases more thoroughly studied, the school record was available in 70 per cent of the cases; the work record was found to be available in 92 per cent of the cases; 70 per cent were known to one or more registering social agencies and 94 per cent were attached to a family or known to neighbors, etc. Less than 6 per cent were "waifs" or "strays." Reference to these sources of information threw interesting side-lights upon the general character of these individuals. The proportion of workers to "loafers" is not less than 81 to 19, and the ratio of steady workers to shifting (but still regular) laborers is said to be 42 to 58. Only 17 per cent are married, which is not surprising, considering the large proportion of boys and very young men in the group. A considerable number, perhaps 20 per cent, are described as "well-disposed but incompetent."

From the facts discovered in this character study the survey raises the question whether many of the inmates now held in the jail might not be released on bail if some less extortionate system of providing bail bonds than the present system, through the "professional bondsman," could be organized. It is suggested even that some inmates could safely be released on their own recognizance, in charge of their friends, after a personal character study, conducted along the same lines as in this survey, had been made and the results reported to the judge. In any case, the personal character study indicates most clearly that the kind of jail Cook County needs is not the place of close confinement for all that may be necessary for a few, but that most of the inmates could at least be allowed larger freedom within the walls of the jail itself, with opportunity to maintain both physical and mental health and some measure of self-respect, with opportunity for work and recreation, even for self-improvement and reform so that they would be prepared when released to go back to their homes and their neighborhoods in a better rather than in a worse condition than when they entered.

CONCLUSIONS AND RECOMMENDATIONS

Some of the conclusions and recommendations of the survey have already been mentioned. These, and others, may be summarized as follows:

1. Children of Juvenile Court age should not be confined in the County Jail. Ample provision is made for them in the Juvenile Detention Home.

2. It is a crime against youth to hold boys of 17 to 20 years of age in the County Jail. Something like 2,000 boys in Chicago undergo this experience every year. Boys now in the jail should be removed at the earliest possible moment to the old John Worthy School building and this class should be provided for later in a permanent Detention Home for Boys, kept entirely separate from the main jail. Four or five acres of ground (one block) at least should be allowed for this purpose and provision should be made for out-door recreation and work. The Boys' Court should be maintained in connection with this Detention Home.

3. The detention of women now held in custody in five of the city police lock-ups and in the jail should be provided for in a separate Detention Home for Women. A Woman's Court, to be re-organized from the present Morals Court, should be established in the same building.

The Central House of Detention

4. The survey recommends the establishment of an institution for detention of men accused of crime, to be known as the Central House of Detention rather than by the name of "Jail." It should be used as a place of detention only for persons awaiting trial and never as a place of punishment. Persons convicted of crime should, unless released on probation, be committed to the proper penal institutions. It should make provision for the proper classification and segregation of inmates, particularly of the younger men and first offenders. It should allow greater freedom in the handling of the less dangerous inmates, with opportunity for work and out-door recreation. Adequate medical and hospital facilities should be furnished and there should be provision also for mental examination and study of all inmates in a well-equipped psychopathic laboratory. But the very sick and the insane should be cared for in outside hospitals. The Social Service Bureau of the County should work in connection with the institution and should conduct a thorough and personal study of each inmate, reporting its findings to the jail authorities as an aid in classification; and to the States'

Attorney and the Courts as a guide in determining bail or release on personal recognizance and final disposition of the case.

An Expectant Attitude

As to the size and type of building to be erected, the survey points out that it would manifestly be a mistake to assume for the future anything like the past and present ratio between the population of the County and the number to be kept in detention to await judicial action. Various communities are rapidly reforming the processes of administration of criminal justice and these reforms lead to vast reductions in the size of the jail populations. Such reforms have already been begun in Chicago and much greater progress may confidently be expected. Moreover, the survey declares, "we are living in a time of unprecedented change in our conceptions of the treatment of crime. * * The psychological and psychiatric study of the delinquents, which is now only in its infancy, may be expected to equip us with new methods of handling an increasingly large percentage of those who now find their way into the jail. It would seem, therefore, that the present is a time for caution, for an expectant attitude and for tentative, rather than for confident, final action."

The survey therefore disapproves the type of jail building advocated by some—a monumental structure of great architectural impressiveness and cost, permanent and inflexible in character, and recommends the construction of buildings of a less durable and pretentious type. Instead of one building there should be a group of buildings erected on a sufficient area of land to provide for the needs of the future and to make possible a proper classification and differentiated treatment of the inmates.

Improve the Administration of Criminal Justice

5. It was not within the scope of the survey, nor possible with the time and means at hand, to make an exhaustive or thorough study of the administration of criminal justice in Cook County. But since the administration of criminal justice has so large a bearing on the size and type of jail needed the survey could not escape reference to it. Many interesting and important facts were discovered in the course of the survey, which are discussed in various sections of the report and to which some reference has been made in this summary. The survey does not presume, on such limited investigation, to present comprehensive recommendations for improvement in the system, but various suggestions are

offered—if only as a basis for further discussion. Among these may be listed the following:—

a. A different conception of the police function, which will rate the efficiency of the police, not by the number of arrests made but by the crime prevented or the actual number of offenders brought to justice. "The machinery of justice should be invoked only where the public interest clearly demands such action. Most cases of wrong-doing are, as a matter of fact, privately adusjusted; * * the police should actively cooperate in promoting this adjustment. * * It is also to be desired that the police should be invested with more of a protective function."

b. "The Chicago Municipal Court is the principal gateway to the county jail" and there is wide discrepancy between the number bound over for trial and the number actually brought to trial. "In view of the organization and simplified procedure of the Municipal Court it is not unreasonable to assume that this number could be materially reduced."

The State's Attorney

c. "The office of the States' Attorney of Cook County is the most powerful agency of government in the State of Illinois. Its control of the machinery of criminal justice, in the selection of cases to be tried and the determination of the time of trial, is practically unlimited. **In all felony cases he represents the State in the Municipal Court and before the grand jury, as well as in the Criminal Court. * * It is not well that an office of such power should exist in a free community without a periodical non-partisan investigation into its personnel and methods and into the results of its operation."

d. "The grand jury is itself on trial, with the tide of public opinion running strongly against it. In the larger cities it is believed to have become little more than a machine for registering the will of the States' Attorney in the matter of finding indictments."

e. The bail-bond system is gravely abused. The professional bondsman takes big risks, he therefore charges big fees. The average amount that must be paid for a bond in a felony case is perhaps between \$250 and \$500. "Jail and court attendants, the police, even the prisoners' lawyer are among those through whom the bondsman sometimes operates." This system works to the advantage of professional crooks and against the poor, but more honest man. Some system should be organized to furnish bail at reasonable cost to the latter and the courts should be given power, which they do not now have, to refuse bail to the former.

A Unified Court

f. Instead of the bungling and awkward system of various courts without a single administrative head, the survey commends the plan presented in the proposed new Constitution for a unified court. "If this should become effective, the lost motion and waste of energy, as well as the conflict of jurisdiction, which are characteristic of our present system, will be done away with. * * No other plan holds out sufficient hope of bringing about the coordinated effect which is essential to the efficient administration of justice in a great city." It is, however, within the power of the Criminal Court at present, because of its flexible organization, with proper cooperation on the part of the State's Attorney, to keep abreast of its calendar and thus keep down the jail population.

g. As an off-set to the criminal practices of the petty "criminal lawyer," who preys upon the poor, giving bad legal advice, busying himself as a "fixer" and clogging the wheels of justice, the survey suggests, naturally, increased activity on the part of the bar association to disbar him, but recommends as more immediately important either the provision by the State of competent legal defense, equal in power and authority to the power of the State's Attorney, or that the Chicago Bar Association undertake the duty of providing such defense.

LEADERSHIP OF THE BAR

"You are lawyers . . . your duty is a much larger thing than the mere advice of private clients. In every deliberate struggle of law you ought to be guides, not too critical and unwilling, not too tenacious of the familiar technicalities in which you have been schooled, not too much in love with precedents and the easy maxims which have saved you the trouble of thinking, but ready to give disinterested and expert advice to those who purpose progress and the readjustment of justice.

"You are servants of the public, of the state itself. It is your duty to advise those who make its laws; to advise them in the general interest with a view to the amelioration of every undesirable condition that the law can reach, in lightening of every burden law can lift and the righting of every wrong the law can rectify."

—Woodrow Wilson to American Bar Association, 1910, quoted in The Cleveland Crime Survey.



